

Larry Jones

NAME

E-17215

PRISON IDENTIFICATION/BOOKING NO.

P.O. Box 5004

ADDRESS OR PLACE OF CONFINEMENT

CALIFORNIA, CA. 92233

2254	1983
FILING FEE PAID	
Yes	No
HPP MOTION FILED	
Yes	No
COPIES SENT TO	
Court	ProSe

FILED
APR - 4 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY RHO DEPUTY

Note: It is your responsibility to notify the Clerk of Court in writing of any change of address. If represented by an attorney, provide his name, address, telephone and facsimile numbers, and e-mail address.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Larry Vernon Jones

FULL NAME (include name under which you were convicted)

Petitioner,

v.

L.E. Scribner

NAME OF WARDEN, SUPERINTENDENT, JAILOR OR AUTHORIZED PERSON HAVING CUSTODY OF PETITIONER

Respondent.

CASE NUMBER:

CV '08 CV 0623 JLS RBB

To be supplied by the Clerk of the United States District Court

Hill v. Alaska, 297 F.3d 895, 897 6th Cir
 1st challenge AMENDED (2002)

PETITION FOR WRIT OF HABEAS CORPUS
BY A PERSON IN STATE CUSTODY

28 U.S.C. § 2254

PLACE/COUNTY OF CONVICTION

PREVIOUSLY FILED, RELATED CASES IN THIS DISTRICT COURT

(List by case number)

CV

CV

INSTRUCTIONS - PLEASE READ CAREFULLY

1. To use this form, you must be a person who either is currently serving a sentence under a judgment against you in a California state court, or will be serving a sentence in the future under a judgment against you in a California state court. You are asking for relief from the conviction and/or the sentence. This form is your petition for relief.
2. In this petition, you may challenge the judgment entered by only one California state court. If you want to challenge the judgment entered by a different California state court, you must file a separate petition.
3. Make sure the form is typed or neatly handwritten. You must tell the truth and sign the form. If you make a false statement of a material fact, you may be prosecuted for perjury.
4. Answer all the questions. You do not need to cite case law, but you do need to state the federal legal theory and operative facts in support of each ground. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit a legal brief or arguments, you may attach a separate memorandum.
5. You must include in this petition all the grounds for relief from the conviction and/or sentence that you challenge. And you must state the facts that support each ground. If you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.
6. You must pay a fee of \$5.00. If the fee is paid, your petition will be filed. If you cannot afford the fee, you may ask to proceed *in forma pauperis* (as a poor person). To do that, you must fill out and sign the declaration of the last two pages of the form. Also, you must have an authorized officer at the penal institution complete the certificate as to the amount of money and securities on deposit to your credit in any account at the institution. If your prison account exceeds \$25.00, you must pay the filing fee.
7. When you have completed the form, send the original and two copies to the following address:

Clerk of the United States District Court for the Central District of California
United States Courthouse
ATTN: Intake/Docket Section
312 North Spring Street
Los Angeles, California 90012

PLEASE COMPLETE THE FOLLOWING: (Check appropriate number)

This petition concerns:

1. a conviction and/or sentence.
2. prison discipline.
3. a parole problem.
4. other.

First challenge term computation of release date / Hill v. Alaska
9th Cir.
(2002)

PETITION

1. Venue

- a. Place of detention Calipatria State Prison
- b. Place of conviction and sentence The Superior court of Los Angeles County

2. Conviction on which the petition is based (a separate petition must be filed for each conviction being attacked).

- a. Nature of offenses involved (include all counts):
Sex crimes and robbery

- b. Penal or other code section or sections: 289 288 A(C) 261 A(2) 286 (c) 203, 211

- c. Case number: Superior Ct # LA015282

- d. Date of conviction:

- e. Date of sentence: April 4 1994

- f. Length of sentence on each count: 78 yrs TOTAL term

g. Plea (check one):

Not guilty

Guilty

Nolo contendere

h. Kind of trial (check one):

Jury

Judge only

3. Did you appeal to the California Court of Appeal from the judgment of conviction? Yes No

If so, give the following information for your appeal (and attach a copy of the Court of Appeal decision if available):

- a. Case number: B084730 2nd District Court of Appeal

b. Grounds raised (list each):

- (1) see record on Appeal

(2) _____
 (3) _____
 (4) _____ N/A
 (5) _____
 (6) _____

c. Date of decision: _____
 d. Result: _____

4. If you did appeal, did you also file a Petition for Review with the California Supreme Court or the Court of Appeal decision? Yes No

If so give the following information (and attach copies of the Petition for Review and the Supreme Court ruling if available):

a. Case number: see record on appeal for conviction
 b. Grounds raised (list each): These grounds are for the 1st time via
 (1) _____ First challenge to term compu
 (2) _____ TATION
 (3) _____
 (4) _____
 (5) _____
 (6) _____ Hill v. Alaska 9th Cir 2002

c. Date of decision: _____
 d. Result: Affirmed N/A
(The conviction)

5. If you did not appeal:
 a. State your reasons _____

b. Did you seek permission to file a late appeal? Yes No

6. Have you previously filed any habeas petitions in any state court with respect to this judgment of conviction?

Yes No (Hill v. Alaska) 9th Cir 2002

If so, give the following information for each such petition (use additional pages if necessary, and attach copies of the petitions and the rulings on the petitions if available):

Ground I.

Has C.D.C.R. calculated Petitioners release date correctly AND within Due Process when Petitioners term has been calculated off three Abstracts AMENDED AND minute orders UNVERIFIED and NOT AUTHENTICATED in which Petitioner alleges judicial alterations and NOT CLERICAL amendments alter petitioners legibility of his confinement.

Statement of Facts

(See exhibits,) Petitioners AMENDED Abstracts and minute orders violate authenticity and Due Process as judicial moves were made which require defendants presence and notification to challenge the changes made without the required Due Process to protect his liberty.

U.S.C.A. 5, 6, 8, 14th Due Process

Ground 2

Has petitioners release date been altered
and petitioners Due Process violated when C.O.C.R.
moves, alters A count from petitioners abstract of judgement
to create randomly A base term not ordered in
petitioners sentencing transcripts. This new base term
calculated among the remaining terms to create his
release date.

(see exhibit) Legal status summary sheet.

Count 10 mayhem has been selected as petitioners
base term. 4 plus 7 1/3 of enhancements.
whether loaded into computer this way or not,
sentencing transcripts, see exhibits specifically point out
that Count 1 is the base term, Pen code (289)
(exhibit) sentencing transcripts and abstract of judgement

U.S.C.A. 5, 6, 8, 14. Due Process

Ground 3

Has petitioners term been calculated in error and petitioners release date in error when C.D.C.R. uses a count in the information whose enhancement was stricken and later reinstated and stayed off the record in violation of Due Process and which makes petitioners term and term calculation to be in error.

Statement of Facts.

The sentencing court sentenced petitioner to state prison on count 10, 4 years with enhancement stricken (see sentencing transcript) Attached

on September 13 1995 without a court reporter, sentencing Judge ordered and sent to C.D.C.R a minute order used to calculate petitioners term AN UNVERIFIED order from the court of Appeal to stay the enhancement on count 10 under § 84. This is a violation of Due Process as this act UNVERIFIED, unreported and without the presence of defendant seriously alters petitioners term and authenticity of his documents.

U.S.C.A. S, 6, 8, 14th Due Process

Ground 4

Has C.D.C.R. followed policy in receiving sentencing documents per Amended Abstracts, sentencing transcripts from the court reporter of the day and certified filed minute orders and amended abstracts certified being ~~and~~ filed as orders from the court in Judging, classifying, and calculating petitioners term?

Statement of facts

see exhibits,

Several of petitioners documents do not have filed stamps or certified stamps or the requisite signatures in which C.D.C.R Policy mandates to record petitioner legally incarcerated in C.D.C.R. System. upon arrival into C.D.C.R. All commitment documents have to coincide with Due Process and originate from Due Process bred proceedings to be valid.

U.S.C.A. 5, 6, 8, 14

Due Process

Jurisdiction

This petition concerns petitioner being confined illegally in this southern district.

Petitioner cites Hill v. Alaska (9th cir 2002) on the face of the petition and he claims that his release date has been calculated in error and he is being held in violation of federal law from a state judgement in this jurisdiction. All grounds pertain to first term challenge.

Dunn v. Henman (9th cir 1989)

Russo v. Newland 2000 W.L. 1948921 (N.D. CAL)

Micknight v. Foreman 1997 W.L. 50267 (N.D. CAL)

(7) Was an evidentiary hearing held? Yes No

10. Do you have any petitions now pending (i.e., filed but not yet decided) in any state or federal court with respect to this judgment of conviction? Yes No

If so, give the following information (and attach a copy of the petition if available):

(1) Name of court: _____

(2) Case number: _____

(3) Date filed (or if mailed, the date the petition was turned over to the prison authorities for mailing): _____

(4) Grounds raised (list each):

(a) _____

(b) _____

(c) _____

(d) _____

(e) _____

(f) _____

11. Are you presently represented by counsel? Yes No

If so, provide name, address and telephone number: _____

WHEREFORE, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

petitioner prays for relief deemed appropriate as he is in custody in
violation of federal law. (A TOWNSEND v. SAIN Evidentiary Hearing.)

(Release and discharge from)
state custody

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on

April 2 2008
Date

Harry Jones
Signature of Petitioner

Exhibits

Abstracts of Judgement

Minute orders

Legal status summary sheet

Term calculation sheets

Excerpts of Appeal transcripts Account
of Petitioners original sentencing

Motion for Appointment of counsel

CDC#
E17215

OKD TO GO S/W NOTED

ABSTRACT OF JUDGMENT - PRISON COMMITMENT APR 22 1994

FORM DSL 290

SUPERIOR
 MUNICIPAL
 JUSTICE

COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

COURT (I.D.)
190007

BRANCH OR JUDICIAL DISTRICT: NORTHWEST

PEOPLE OF THE STATE OF CALIFORNIA VERSUS
DEFENDANT: O1) JONES, LARRY VERNON

AKA: JONES, LAWRENCE VERNON

PRESENT LAO15282 -A
 NOT PRESENT -B
 -C
 -D
 -E

COMMITMENT TO STATE PRISON
STRUCT OF JUDGMENTAMENDED
ABSTRACT

E OF HEARING (MO) (DAY) (YR)

DEPT. NO.

JUDGE

SANDY KRIEGLER

CLERK

PORTER

A. FENNER

COUNSEL FOR PEOPLE

K. CADY

COUNSEL FOR DEFENDANT

M. GOTTLIEB

PROBATION NO. OR PROBATION OFFICER

X 215946

1. DEFENDANT WAS CONVICTED OF THE COMMISSION OF THE FOLLOWING FELONIES (OR ALTERNATE FELONY/MISDEMEANORS):

 ADDITIONAL COUNTS ARE LISTED ON ATTACHMENT

(NUMBER OF PAGES)

COUNT	CODE	SECTION NUMBER	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION	CONVICTED BY	TERMINAL	CONCURRENCE	CONSECUTIVE TO VICTIM	IN 12 MONTHS	CONSECUTIVE TO TERM	IN 12 MONTHS	PRINCIPAL OR CONSECUTIVE TERM	IN 12 MONTHS	PRINCIPAL OR CONSECUTIVE TIME IMPOSED		
1	PC	289	PENITENT FORG OBJ	93 03 02	94 X	M										6	
2	PC	288A(C)	FORCE ORAL COP	93 03 02	94 X	M										6	
3	PC	261(A)(2)	FORCE RAPE	93 03 02	94 X	M										6	
4	PC	286(C)	SODOMY BY FORCE	93 03 02	94 X	M										6	
5	PC	261(A)(2)	FORCE RAPE	93 03 02	94 X	M										6	

2. ENHANCEMENTS charged and found true TIED TO SPECIFIC COUNTS (mainly in the § 1202-series) including WEAPONS, INJURY, LARGE AMOUNTS OF CONTROLLED SUBSTANCES, BAIL STATUS, ETC. For each count list enhancements horizontally. Enter time imposed for each or "S" for stayed or stricken. DO NOT LIST enhancements charged but not found true or stricken under § 1385. Add up time for enhancements on each line and enter line total in right-hand column.

Count	Enhancement	Yrs or 'S'	Total								
1	12022.8	5									5
4	12022.8	5									

3. ENHANCEMENTS charged and found true FOR PRIOR CONVICTIONS OR PRIOR PRISON TERMS (mainly § 667-series) and OTHER. List all enhancements based on prior convictions or prior prison terms charged and found true. If 1 or more under the same section, repeat it for each enhancement (e.g., if 2 non-violent prior prison terms under § 667.5(b) list § 667.5(b) 2 other enhancement not provided for in space 2). Add time for these enhancements and enter total in right-hand column. Also enter here any

Enhancement	Yrs or 'S'	Total								
667(A)	5	667(A)	S							5
Enhancement	Yrs or 'S'	Total								

4. INCOMPLETE SENTENCE(S) CONSECUTIVE:

COUNTY	CASE NUMBER	CREDIT FOR TIME SERVED

5. OTHER ORDERS THE CRT ORDERS DEFT BE TESTED FOR THE AIDS VIRUS PURS TO 1202.1 PC.

Use additional sheets of plain paper if necessary.

6. TOTAL TIME IMPOSED ON ALL ATTACHMENT PAGES (FORM DSL 290-A):

33

7. TIME STAYED TO COMPLY WITH 5-YEAR OR 10-YEAR LIMIT ON SUBORDINATE TERMS, DOUBLE-BASED-TERM LIMIT, ETC. (Do not include § 654 stays or discretionary stays of term for enhancements.)

7

8. TOTAL TERM IMPOSED:

78

9. EXECUTION OF SENTENCE IMPOSED:

A. AT INITIAL SENTENCING HEARING B. AT RESENTENCING PURSUANT TO DECISION ON APPEAL C. AFTER REVOCATION OF PROBATION D. AT RESENTENCING PURSUANT TO RECALL OF COMMITMENT (PC § 1170(d)) E. OTHER

10. DATE OF SENTENCE PRONOUNCED (MO) (DAY) (YR)

4-4-94

CREDIT FOR TIME SPENT IN CUSTODY

302

TOTAL DAYS INCLUDING

ACTUAL LOCAL TIME

202

LOCAL CONDUCT CREDITS 100

STATE INSTITUTIONS DMH CDC

11. DEFENDANT IS REMANDED TO THE CUSTODY OF THE SHERIFF, TO BE DELIVERED:

FORTHWITH
 AFTER 48 HOURS,
EXCLUDING SATURDAYS,
SUNDAYS AND HOLIDAYS

INTO THE CUSTODY OF
THE DIRECTOR OF
CORRECTIONS AT THE
RECEPTION-GUIDANCE
CENTER LOCATED AT:

CALIF. INSTITUTION FOR
WOMEN - FRONTERA
 CALIF. MEDICAL
FACILITY - VACAVILLE
 SAN QUENTIN
 OTHER (SPECIFY)

CALIF. INSTITUTION
FOR MEN - CHINO
 DEVEL VOC. INST.



I hereby certify the foregoing to be a correct abstract of the judgment made in this cause.

DEPUTY'S SIGNATURE

4-19-94

This form is prescribed under Penal Code § 1213.5 to satisfy the requirements of § 1213 for determining sentence. It may be used but must be referred to in this document.

Form Adopted by the
Judicial Council of California
Effective April 1, 1992

DISTRIBUTION: PINK COPY - COURT FILE

ABSTRACT OF JUDGMENT / PRISON COMMITMENT
FORM DSL 290

YELLOW COPY - DEPARTMENT OF CORRECTIONS

Pen.C. 1213.5

WHITE COPY - ADMINISTRATIVE OFFICE OF THE COURTS

**ABSTRACT OF JUDGMENT - PRISON COMMITMENT
ATTACHMENT PAGE**

FORM DSL 290-A

SUPERIOR COURT OF CALIFORNIA, COUNTY OF COURT I.D. 190007		LOS ANGELES BRANCH NORTHWEST												
PEOPLE OF THE STATE OF CALIFORNIA versus DEFENDANT: 01) JONES, LARRY VERNON AKA: JONES, LAWRENCE VERNON		<table border="0"> <tr> <td><input checked="" type="checkbox"/> PRESENT</td> <td>CASE NUMBER (S) LAO15282</td> </tr> <tr> <td><input type="checkbox"/> NOT PRESENT</td> <td>- A</td> </tr> <tr> <td></td> <td>- B</td> </tr> <tr> <td></td> <td>- C</td> </tr> <tr> <td></td> <td>- D</td> </tr> <tr> <td></td> <td>- E</td> </tr> </table>	<input checked="" type="checkbox"/> PRESENT	CASE NUMBER (S) LAO15282	<input type="checkbox"/> NOT PRESENT	- A		- B		- C		- D		- E
<input checked="" type="checkbox"/> PRESENT	CASE NUMBER (S) LAO15282													
<input type="checkbox"/> NOT PRESENT	- A													
	- B													
	- C													
	- D													
	- E													
COMMITMENT TO STATE PRISON ABSTRACT OF JUDGMENT		<table border="0"> <tr> <td><input type="checkbox"/> AMENDED</td> <td></td> </tr> <tr> <td><input type="checkbox"/> ABSTRACT</td> <td></td> </tr> </table>	<input type="checkbox"/> AMENDED		<input type="checkbox"/> ABSTRACT									
<input type="checkbox"/> AMENDED														
<input type="checkbox"/> ABSTRACT														
DATE OF HEARING (MO) (DAY) (YR) 04 04 94														

1. DEFENDANT WAS CONVICTED OF THE COMMISSION OF THE FOLLOWING FELONIES (OR ALTERNATE FELONY/MISDEMEANORS)

THIS IS ATTACHMENT PAGE NO. 1

2. ENHANCEMENTS charged and found true, TIED TO SPECIFIC COUNTS (mainly in the 12022 series) for counts listed on this page

3. ENHANCEMENTS charged and found true FOR PRIOR CONVICTIONS OR PRIOR PRISON TERMS (Total: 4,603)

4. TOTAL TIME IMPOSED ON THIS ATTACHMENT PAGE

ABSTRACT OF JUDGMENT - PRISON COMMITMENT

**Form Adopted by the
Judicial Council of California
Effective April 1, 1990**

DISTRIBUTION [REDACTED] PINE CREEK COUNTY

**ABSTRACT OF JUDGMENT - PRISON COMMITMENT
ATTACHMENT PAGE**

FORM DSL 290-A

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

190097	BRANCH NORTHWEST	CASE NUMBER (S)
PEOPLE OF THE STATE OF CALIFORNIA versus DEFENDANT: JONES, LARRY VERNON AKA: JONES, LAWRENCE VERNON		<input checked="" type="checkbox"/> PRESENT <input type="checkbox"/> NOT PRESENT
COMMITMENT TO STATE PRISON 09-13-95		AMENDED <input checked="" type="checkbox"/> ABSTRACT OF JUDGMENT <input type="checkbox"/> ABSTRACT
DATE OF HEARING (MON (DAY) (YR))		
04 04 94		

1. DEFENDANT WAS CONVICTED OF THE COMMISSION OF THE FOLLOWING FELONIES (OR ALTERNATE FELONY/MISDEMEANORS)
THIS IS ATTACHMENT PAGE NO. 1

SENTENCE RELATION

2. ENHANCEMENTS charged and found true, TIED TO SPECIFIC COUNTS (mainly in the 12022 series) for counts listed on this page

3. ENHANCEMENTS charged and found true FOR PRIOR CONVICTIONS OR PRIOR PRISON TERMS (major: 5-567 section) and 1 OTHER

| Enhancement | Yrs or 'S' | Total |
|-------------|------------|-------------|------------|-------------|------------|-------------|------------|-------------|------------|-------|
| Enhancement | Yrs or 'S' | Total |

4. TOTAL TIME IMPOSED ON THIS ATTACHMENT PAGE

1333

ABSTRACT OF JUDGMENT - PRISON COMMITMENT
ATTACHMENT FORM DSL 290-A

Form Adopted by the
Judicial Council of California
Effective April 1, 1990

Рел.С. 1213.5

DISTRIBUTION:

PRINT COPY EDITION

10. *U.S. Fish and Wildlife Service, Biological Report 82(12): 1-100.*

WHITE COPY - ADMINISTRATIVE OFFICE OF THE COURTS

DEPT. NWE

Date: MARCH 2, 1994

HONORABLE: SANDY R. KRIEGLER
J ROUNDJUDGE
Deputy SheriffM CRUZAT
G GORKOSDeputy Clerk
Reporter

LA 015282-01

PEOPLE OF THE STATE OF CALIFORNIA

VS

Counsel for People:

DEPUTY DISTRICT ATTY: K CADY

01 JONES, LARRY VERNON
AKA 01 JONES, LAWRENCE VERNON261.A2 3 cts 289 1 ct 288a(c) 2 cts
286(c) 3 cts 203 1 ct 245(A)(1) 1 ct

Counsel for Defendant: M GOTTLIEB DPD

NATURE OF PROCEEDINGS JURY TRIAL

REM

11-3-93

Trial, continued from March 1, 1994, resumes with counsel, defendant and jurors present.

At 9:10 a.m., the Court unseals the envelope containing the verdicts and the following verdicts are read:

TITLE OF COURT AND CAUSE

"We, the Jury in the above-entitled action, find the Defendant, LARRY VERNON JONES guilty of ANAL OR GENTIAL PENETRATION BY A FOREIGN OBJECT, in violation of Penal Code SEction 289, a Felony, as charged in Count One of the information.

We further find the allegation that the defendant LARRY VERNON JONES, inflicted great bodily injury upon the victim, Terri Marie Jim, within the meaning of Penal Code Section 12022.8 to be TRUE.

This 1 day of March, 1994 /s/ Robert A. Rivard/s/, Foreperson"

TITLE OF COURT AND CAUSE

"We, the Jury in the above-entitled action, find the Defendant, LARRY VERNON JONES guilty of FORCIBLE ORAL COPULATION, in violation of Penal Code Section 288a(c), a Felony, as charged in Count Two of the information.

We further find the allegation that the defendant LARRY VERNON JONES, inflicted great bodily injury upon the victim, Terri Marie Jim, within the meaning of Penal Code Section 12022.8 to be NOT TRUE.

This 1 day of March, 1994 /s/ROBERT A. RIVARD/s/, Foreperson"

TITLE OF COURT AND CAUSE

"We, the Jury in the above-entitled action, find the Defendant LARRY VERNON JONES, guilty of FORCIBLE RAPE, in violation of Penal Code Section 261(a)(2), a felony, as charged in Count Three of the information.

We further find the allegation that the defendant LARRY VERNON JONES, inflicted great bodily injury upon the victim, TERRY MARIE JIM, within the meaning of Penal Code Section 12022.8 to be NOT TRUE.

This 1 day of March, 1994 /s/ ROBERT A. RIVARD/s/ FOREMAN"

MINUTE ORDER

MINUTES ENTERED

3-2-94
COUNTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT. NWE

Date: MARCH 2, 1994

HONORABLE: SANDY R. KRIEGLER
J ROUNDJUDGE
Deputy SheriffM CRUZAT
G GORKOSDeputy Clerk
Reporter

LA 015282-01

(Parties and counsel checked if present)

PEOPLE OF THE STATE OF CALIFORNIA

VS

Counsel for People:

DEPUTY DISTRICT ATTY:

K CADY

AKA 01 JONES, LARRY VERNON
01 JONES, LAWRENCE VERNON261.A2 3 cts 289 1 ct 288a(c) 2 cts
286(c) 3 cts 203 1 ct 245(a)(1) 1 ct

Counsel for Defendant:

M GOTTLIEB DPD

NATURE OF PROCEEDINGS

JURY TRIAL

REM

11-3-93

TITLE OF COURT AND CAUSE

"We, the Jury in the above-entitled action, find the defendant LARRY VERNON JONES, guilty of SODOMY BY USE OF FORCE, in violation of Penal Code Section 286(c), a felony, as charged in Count Four of the information.

We further find the allegation that the defendant, LARRY VERNON JONES, inflicted great bodily injury upon the victim, Terry Marie Jim, within the meaning of Penal Code Section 12022.8 to be TRUE.

This 1 day of March, 1994 /s/ROBERT A. RIVARD/s/, Foreperson"

TITLE OF COURT AND CAUSE

"We, the Jury in the above-entitled action, find the Defendant LARRY VERNON JONES, guilty of FORCIBLE RAPE, in violation of Penal Code Section 261(a)(2), a felony, as charged in Count Five of the information.

We further find the allegation that the defendant, LARRY VERNON JONES, inflicted great bodily injury upon the victim, Terri Marie Jim, within the meaning of Penal Code Section 12022.8 to be NOT TRUE.

This 1 day of March, 1994 /s/ROBERT A. RIVARD/s/, Foreman"

TITLE OF COURT AND CAUSE

"We, the Jury in the above-entitled action, find the Defendant LARRY VERNON JONES, guilty of SODOMY BY USE OF FORCE, in violation of Penal Code Section 286(c), a felony, as charged in Count Six of the information.

This 1 day of March, 1994 /s/ROBERT A. RIVARD/s/, Foreperson"

TITLE OF COURT AND CAUSE

"We, the Jury in the above-entitled action, find the Defendant LARRY VERNON JONES, guilty of FORCIBLE RAPE, in violation of Penal Code Section

MINUTES ENTERED
3-2-94
COUNTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT. NWE

Date: MARCH 2, 1994

HONORABLE: SANDY R. KRIEGLER
J ROUNDJUDGE
Deputy SheriffM CRUZAT
G GORKOSDeputy Clerk
Reporter

LA 015282-01

(Parties and counsel checked if present)

PEOPLE OF THE STATE OF CALIFORNIA

Counsel for People:

VS

DEPUTY DISTRICT ATTY:

K CADY

OL JONES, LARRY VERNON

Counsel for Defendant:

AKA OL JONES, LAWRENCE VERNON

M GOTTLIEB DPD

261.A2 3 cts 289 1 ct 288a(c) 2 cts

286(c) 3 cts 203 1 ct 245(a)(1) 1 ct

NATURE OF PROCEEDINGS JURY TRIAL

REM

11-3-93

261(a)(2), a felony, as charged in Count Seven of the Information.

We further find the allegation that the defendant, LARRY VERNON JONES, inflicted great bodily injury upon the victim, Terri Marie Jim, within the meaning of Penal Code Section 12022.8 to be NOT TRUE.

This 1 day of March, 1994 /s/ROBERT A. RIVARD/s/ Foreperson"

TITLE OF COURT AND CAUSE

"We, the Jury in the above-entitled action, find the Defendant, LARRY VERNON JONES, guilty of SODOMY BY USE OF FOREPLAY, in violation of Penal Code Section 286(c), a felony, as charged in Count Eight of the information.

We further find the allegation that the defendant, LARRY VERNON JONES, inflicted great bodily injury upon the victim, Terry Marie Jim, within the meaning of Penal Code Section 12022.8 to be TRUE.

This 1 day of March, 1994 /s/ROBERT A. RIVARD/s/ Foreperson"

TITLE OF COURT AND CAUSE

"We, the Jury in the above-entitled action, find the Defendant, LARRY VERNON JONES, guilty of FORCIBLE ORAL COPULATION, in violation of Penal Code Section 288a(c), a felony, as charged in Count Nine of the information.

We further find the allegation that the defendant, LARRY VERNON JONES, inflicted great bodily injury upon the victim, Terri Marie Jim, within the meaning of Penal Code Section 12022.8 to be NOT TRUE.

This 1 day of March, 1994 /s/ROBERT A. RIVARD/s/, Foreperson"

TITLE OF COURT AND CAUSE

"We, the Jury in the above-entitled action, find the Defendant LARRY VERNON JONES, guilty of MAYHEM, in violation of Penal Code Section 203, a Felony

MINUTES ENTERED

3-2-94
COUNTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT. NWE

Date: MARCH 2, 1994

HONORABLE: SANDY R. KRIEGLER
J ROUNDJUDGE
Deputy SheriffM CRUZAT
G GORKOSDeputy Clerk
Reporter

LA 015282-01

(Parties and counsel checked if present)

PEOPLE OF THE STATE OF CALIFORNIA
VS
OL JONES, LARRY VERNON
AKA OL JONES, LAWRENCE VERNON
261.A2 3 cts 289 1 ct 288a(c) 2 cts Counsel for Defendant: M GOTTLIEB DPD
286(c) 3 cts 203 1 ct 245(a)(1), 1 ct

NATURE OF PROCEEDINGS

JURY TRIAL

REM

11-3-93

as charged in Count Ten of the information.

We further find the allegation that in the commission of the above offense the said defendant, LARRY VERNON JONES, with the intent to inflict such injury, personally inflicted great bodily injury upon Terri Marie Jim, not an accomplice to the above offense, within the meaning of Penal Code Section 12022.7 to be TRUE.

This 1 day of March, 1994 /s/ROBERT A. RIVARD/s/ Foreperson" *STRICKEN*

TITLE OF COURT AND CAUSE

"We, the Jury in the above-entitled action, find the Defendant LARRY VERNON JONES, guilty of ASSAULT BY MEANS OF FORCE LIKELY TO PRODUCE GREAT BODILY INJURY, in violation of Penal Code Section 245(a)(1), a Felony, as charged in Count Eleven of the information.

We further find the allegation that in the commission of the above offense, the said defendant, LARRY VERNON JONES, with the intent to inflict such injury, personally inflicted great bodily injury upon Terri Marie Jim, not an accomplice to the above offense, within the meaning of Penal Code Section 12022.7 to be TRUE.

This 1 day of March, 1994 /s/ROBERT A .RIVARD/s/, Foreperson"

Re-reading of the verdicts as recorded is waived. The jury is polled and all answer in the affirmative as to all counts. The jury is thanked and discharged. All verdicts and instructions given, ~~some refused to withdraw~~ and are filed.

Matter re: priors is called for trial. People's Exhibit 7 (6 pages-Department of Corrections records) is marked for identification only then admitted in evidence. People rest. Defense rests. Matter is submitted. Court finds the allegation pursuant to Penal Code SESection 667(a) and the allegation under Penal Code Section 667.5(b) to be TRUE.

Probation and Sentence is set April 4, 1994 at 8:30 a.m. in this department. Defendant waives further probation referral. Time is waived. Defendant and counsel are ordered to return.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT. NWE

Date: APRIL 4, 1994
 HONORABLE: SANDY R. KRIEGLER JUDGE
 J ROUND Deputy Sheriff

M CRUZAT
 A FENNER

Deputy Clerk
 Reporter

LA 015282-01 (Parties and counsel checked if present)

PEOPLE OF THE STATE OF CALIFORNIA

Counsel for People:

VS

DEPUTY DISTRICT ATTY:

K CADY

01 JONES, LARRY VERNON ✓

AKA 01 JONES, LAWRENCE VERNON

261.A2 3 cts 289 1 ct 288a(c) 2 cts

286(c) 3 cts 203 1 ct 245(a)(1) 1 ct

Counsel for Defendant:

M GOTTLIEB DPD ✓

X 215946

NATURE OF PROCEEDINGS

P&S

REM

11-3-93

Probation denied. Sentence imposed as follows:

Imprisoned in state prison for a total of 78 years.

Court selects the midterm of 6 years in count one plus 5 years consecutive pursuant to Penal Code Section 12022.8.

Plus midterm of 6 years as to count 2 to run consecutive to count 1.

Plus midterm of 6 years as to count 3 to run consecutive to count 1.

Plus midterm of 6 years as to count 4 to run consecutive to count one plus 5 years consecutive pursuant to Penal Code Section 12022.8.

Plus midterm of 6 years as to count 5 to run consecutive to count one.

Plus midterm of 6 years as to count 6 to run consecutive to count one.

Plus midterm of 6 years as to count 7 to run consecutive to count one.

Plus midterm of 6 years as to count 8 to run consecutive to count one.

PLUS 5 years consecutive pursuant to Penal Code Section 12022.8.

Plus midterm of 6 years as to count 9 to run consecutive to count one.

Plus midterm of 4 years as to count 10 to run consecutive to count one.

Court strikes the great bodily injury allegation pursuant to Penal Code Section 12022.7 for purposes of sentencing only.

Plus midterm of 3 years as to count 11 to run concurrent with count ten.

Court strikes great bodily injury allegation pursuant to Penal Code Section 12022.7 for purposes of sentencing only. Sentence in count 3 is stayed pursuant to Penal Code Section 654- stay to become permanent upon completion of the sentence in count 10.

see nunc
4/19

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT.

NWE

Date:
HONORABLE:

APRIL 4, 1994

SANDY R. KRIEGLER
J ROUNDJUDGE
Deputy SheriffM CRUZAT
A FENNERDeputy Clerk
ReporterLA 015282-01
PEOPLE OF THE STATE OF CALIFORNIA
VS
01 JONES, LARRY VERNON
AKA 01 JONES, LAWRENCE VERNON
261.A2 3 cts 289 1 ct 288a(c) 2 cts
286(c) 3 cts 203 1 ct 245(a)(1) 1 ctCounsel for People:
DEPUTY DISTRICT ATTY:

K CADY

M GOTTLIEB DPD

X 215946

NATURE OF PROCEEDINGS

P&S

REM

11-3-93

Plus 5 years consecutive pursuant to Penal Code Section 667(a) prior allegation.

Court strikes the allegation pursuant to Section 667.5(b) Penal Code for purposes of sentencing only.

Court orders that defendant be tested for aids virus pursuant to Penal Code Section 1202.1.

Defendant is ordered to pay \$200.00 restitution pursuant to Government Code Section 13967(a).

Defendant given total credit 302 days in custody (202 actual days in custody plus 100 days good time/work time).

Defendant is advised of appeal rights.

01 REM

MINUTES ENTERED

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT.

NWE

Date: APRIL 19, 1994

HONORABLE: SANDY R. KRIEGLER
J ROUNDJUDGE
Deputy SheriffM CRUZAT
NONEDeputy Clerk
Reporter

LA015282-01

(Parties and counsel checked if present)

PEOPLE OF THE STATE OF CALIFORNIA

Counsel for People:

VS

DEPUTY DISTRICT ATTY:

EXXMA K CADY

01 JONES LARRY VERNON

AKA 01 JONES LAWRENCE VERNON

261.A2 3 cts 289 1 ct 288a(c) 2 cts

Counsel for Defendant:

M GOTTLIEB DPD

286(c) 3 cts 203 1 ct 245(a)(1) 1 ct

NO APPEARANCES

NATURE OF PROCEEDINGS

NUNC PRO TUNC ORDER

IT APPEARING TO THE COURT THAT THROUGH INADVERTENCE AND CLERICAL ERROR, THE MINUTE ORDER DATED APRIL 4, 1994 DOES NOT PROPERLY REFLECT THE ORDER OF THE COURT; SAID MINUTE ORDER IS CORRECTED NUNC PRO TUNC AS FOLLOWS:

BY DELETING:

"SENTENCE IN COUNT 3 IS STAYED PURSUANT TO PENAL CODE SECTION 654-STAY TO BECOME PERMANENT UPON COMPLETION OF THE SENTENCE IN COUNT 10."

BY SUBSTITUTING:

"SENTENCE IN COUNT 11 IS STAYED PURSUANT TO PENAL CODE SECTION 654-STAY TO BECOME PERMANENT UPON COMPLETION OF THE SENTENCE IN COUNT 10."

NUNC PRO TUNC ORDER

IT APPEARING TO THE COURT THAT THROUGH INADVERTENCE AND CLERICAL ERROR, THE MINUTE ORDER DATED FEBRUARY 24, 1994 DOES NOT PROPERLY REFLECT OF THE ORDER OF THE COURT; SAID MINUTE ORDER IS CORRECTED NUNC PRO TUNC AS FOLLOWS:

BY ADDING: "On People's motion, the information is amended by interlineation as follows: by reflecting count 12 in the information as the new count 11."

DEPT NW"E"

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date: September 13, 1995

HONORABLE: SANDY R. KRIEGLER
J ROUNDJUDGE
Deputy Sheriff
Court AttendantM CRUZAT
NONEDeputy Clerk
Reporter

LA015282-01

People of the State of California
vs.

(Parties and counsel checked if present)

Counsel for People:

Deputy District Attorney:

01 JONES, LARRY VERNON
AKA 01 JONES LAWRENCE VERNON
261.A2 3 CTS 289 1 CT 288A(C) 2 CTS
286(C) 3CTS 203 1 CT 245.(a)(1) 1 CT
NO APPEARANCES

NATURE OF PROCEEDINGS

COURT ORDER TO AMEND ABSTRACT OF JUDGMENT

REM

Good cause appearing, the abstract of judgment is ordered amended as follows:

In Count 10, court orders the great bodily injury allegation under Penal Code Section 12022.7 stayed under Penal Code Section 654 as directed by the Court of Appeal.

The Judgment Clerk is ordered to prepare an Amended Abstract of Judgment and send a copy to the Department of Corrections, district attorney Kathy Cady and public defender Michael Gottlieb.

REASONABLE DRAFT OF JUDGMENT
FOR FURTHER BRS DRAFT BUT AS OF 9/13/95
NO DRAFT IS BRS DRAFT NO JUDGMENT

REASONABLE DRAFT OF JUDGMENT
FOR FURTHER BRS DRAFT BUT AS OF 9/13/95
NO DRAFT IS BRS DRAFT NO JUDGMENT

01 REM



MINUTE ORDER

DEPT. NW"E"

MINUTE ORDER ENTERED
9/13/95
CLERK, SUPERIOR COURT

LEGAL STATUS SUMMARY TYPE- D CAL ** DISCREPANT **07/23/2007 21:35

CDC NUMBER	NAME	ETHNIC	BIRTHDATE
E17215	JONES, LARRY	BLA	07/04/1966

ACA JONES, LARRY, VERNON

TERM STARTS	MAX REL DATE	MAX ADD REL DT	CURRENT REL DT
04/27/1994	05/28/2071	05/28/2071	01/20/2065

BASE TERM 4/00 + ENHCMNTS 74/00 = TOT TERM 78/00	PAROLE PERIOD 3 YRS
--	------------------------

PRE-PRISON + POST SENTENCE CREDITS

CASE P2900-5 P1203-3 P2900-1 CRC-CRED MH-CRED P4019 P2931 POST-SENT TOT

LA015282 202 100 22 324

REGISTRATION REQUIRED PER P290

PC296 DNA COMPLETED

NOTIFICATION REQUIRED PER P3058.6

RECV DT/ CNT	COUNTY/ OFF-CODE	CASE	SENTENCE DATE	CREDIT CODE	OFFENSE DATE
--------------	------------------	------	---------------	-------------	--------------

CONTROLLING PRINCIPAL & CONSECUTIVE (INCLUDES ENHANCEMENTS/OFFENSES):

CONTROLLING CASE

4/27/1994	LA	LA015282	4/04/1994			
10 P20		01 P667(A)	01 PFC SERIOUS	1		
01 P287(A)		MAYHEM		1	09/11/1993	
01 P287(A)		RAPE FOREIGN OBJ		1	09/11/1993	
		P12022.8	01 GBI SEX CRIME	1		
02 P288A(C)		ORAL COP W/FO		CS	1	09/11/1993
03 P261(2)		RAPE/RESIST F/V		CS	1	09/11/1993
04 P286(C)		SOD W/FO		CS	1	09/11/1993
		P12022.8	01 GBI SEX CRIME	1		
05 P261(2)		RAPE/RESIST F/V		CS	1	09/11/1993
06 P286(C)		SOD W/FO		CS	1	09/11/1993
07 P261(2)		RAPE/RESIST F/V		CS	1	09/11/1993
08 P286(C)		SOD W/FO		CS	1	09/11/1993
		P12022.8	01 GBI SEX CRIME	1		
09 P288A(C)		ORAL COP W/FO		CS	1	09/11/1993

WTIP WAIVER DATE	BEGINNING BALANCE	CREDIT APPLIED	TOTAL LOST	TOTAL RESTORED	NET TOTAL
04/27/1994	2409	2965	766	120	2319

CREDITS AUTO RE-VESTED PER PC-2934 : 11

TRAN TYPE	DATE	END DATE	LOG NUMBER	NUMBER	RULE CAT	VIOL DAYS
-----------	------	----------	------------	--------	----------	-----------

CHRONOLOGICAL HISTORY

Date	Chronological Listings	Initials	Dead Time	Release Date
11-21-97	WC LOSS <u>181</u> OF DAYS, LOG # 9710012 DATED 10-2-97			
DEC 23 1997	REC'D CSP-CORCORAN	PC	EPRO	6-15-2046
9-17-98	Intake audit. PC 290 preregistration not required. Date change due to D2 time from 10-2-97 to 5-22-98. WCG thru 9-16-98 @ A2	JB	End	10-28-2046
11-25-98	WCI, 120 days, # 3B9811009, dtd 11/4/98	DM	End	1/16/2049
6-22-99	IT Effective 6-22-99	CME	EPRO	2-24-2035
9-2-99	Intake Audit - Renewed for Compliance WCH PC 296	CME		
SEP 08 1999	Rec'd HSSP	SP		
10-22-99	INTAKE AUDIT	PC		
10-22-99	Reviewed for Compliance with PC 296 / Credit Code review	PC		
5-12-2000	WCG THRU <u>4-30-2000</u> , 6 MONTH	PC	EPRO	2-24-2035
12-7-00	WCG THRU <u>11-30-00</u> , 6 MONTH	PC	EPRO	2-24-2035
6-21-01	WCG THRU <u>5-31-01</u> , 6 MONTH	SP	EPRO	2-24-2035
10-30-01	WC RESTORE OF <u>30</u> DAYS, LOG # <u>94002035</u> , CHRONO <u>10-25-01</u>			
	WC RESTORE OF <u>90</u> DAYS, LOG # <u>94003012</u> , CHRONO <u>10-25-01</u>	SP	EPRO	12-26-34
12-21-01	Transf. Audit	SP	EPRO	12-27-34
12-27-2001	Rec'd CCI-TV	SP		
3-19-2002	INTAKE AUDIT, WCG Thru 3-18-2002 @ A'	gb	End	12-27-2032
3-19-2002	Notice requested per 3058.6	gb		
3-19-2002	PC 3060.7 Supervision Case	gb		
10-3-02	Six month work credit gain. Credit applied through 9-30-02	SP	EPRO	12-27-2034
3-21-03	RECEIVED CSP-CORCORAN	SP		

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS
CDC 112 (9-83)

CHRONOLOGICAL HISTORY

Date	Chronological Listings	Initials	Dead Time	Release Date
4-14-03	Intake Audit	CMES	EPRD	12-27-2034
10-17-03	SIX MONTH WCG. CREDITS APPLIED THRU 9-30-2003 @ A1.	De		
4-15-04	10 mo wcg	CMES		
3-1-05	Per 188g, afd 4-1-04. 115 afd 29-04 #3C0402011 Dismissed D2 time / SHU term vacated. Grant S' time 4-1-2-5-04. Wcg thru 3-1-05 @ A1. No change in EPRD date. D2 time was never entered	CMES	EPRD	12-27-2034
12-29-05	Transfer Audit	cale		
1-06-06	REC'D CALIPATRIA STATE PRISON	JR		
3-1-2006	FILE AUDITED D take	MM		
PC 296 DNA Completed				
12-24-2007	WCL 90 DAYS RVR 6-24-2007 LOG# 0607B24	QD	EPRD 12-70-2034	
10-27-08	D-2 effective 9-1-9-2007 WCL 30 DAYS RVR 9-27-2007 LOG# 0907A5-002	PR EPRD	8-3-2062	

STATE OF CALIFORNIA

CHRONOLOGICAL HISTORY

DEPARTMENT OF CORRECTIONS

CDC 112 (9-83)

Date	Chronological Listings	Initials	Dead-Time	Release Date
10-21-93	SB 16 Audited - Ineligible	WCR	RRD	9-15-94
4-28-94	Rec'd CCT-RC PVWLT (B)	MCDD	7-4-95	
5/16-94	PROCESS AUDIT EBC	DR	N/A	
	RESTITUTION ORDERED PER LA CO. CASE #LA015282, \$200.00	EBR	9-16-2045	
MAY 24 1994	REC'D CALIPATRIA STATE PRISON	RR		
JUN 10 1994	INTAKE AUDIT RegD			
	WCG @ A ² thru 6-8-94;			
	NOTICE PURSUANT TO 3058.6 PC	DRR		
2-25-95	WCG AT A ² THRU 1-31-95.	DRR		
3-2-95	Transfer Audit	DR		
04 AUG 1995	REC'D CSP-LAC	DR		
9-1-95	EPRD recalculated WCG through 9-1-95 @ A1	CR	EPRD	4-27-2033
9-6-95	Intake Audit	CR		
9-29-95	Received amended Abstract of Judgment and modified Minute Order on Los Angeles Co. case LA015282 correcting sentencing errors on cts 10, 11. Total term unchanged	CR		
3-14-96	30 day WCL 9602035 (115 dated 2-14-96)	CR		
	6 month WCG through 2-29-96 @ A1	CR	EPRD	5-21-2033
5-28-96	Rec'd HDSP	CR		
8-12-96	WCS thru 7-31-96, WCL #96070015, -75	JT	EPRD	12-8-2044
8-13-96	Alias update completed	JT		
8-19-96	WCL thru 7-3-96 at D1, WCL #9608012	JT	EPRD	2-6-2046
2-8-97	WCL thru 1-31-97 Intake audit, 6 mo audit	JT	EPRD	2-14-2046
8/26/97	WCG Thru 7/31/97 6 mo Gain	PC	EPRD	2-14-2046

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE OF THE STATE OF CALIFORNIA,)	Court of Appeal No. B084730
)	Superior Court No. LA015282
Plaintiff-Respondent,)	
)	
V.)	
)	
LAWRENCE VERNON JONES,)	
)	
Defendant-Appellant.)	
)	

STATEMENT OF APPEALABILITY

This appeal is from a final judgment following a jury trial and is authorized by Penal Code section 1237.¹

STATEMENT OF THE CASE

Appellant, Lawrence Vernon Jones, was charged in an information filed November 3, 1993, in Count 1 with forcible anal or genital penetration by a foreign object (sec. 289 subd. (a)); in Counts 2 and 9 with forcible oral copulation (sec. 288(a) subd. (c)); in Counts 3, 5 and 7 with forcible rape (sec. 261 subd. (a)(2)); in Counts 4, 6 and 8 with forcible sodomy (sec. 286 subd. (c)); in Count 10 with mayhem (sec. 203); and in Count 11 with assault with intent to inflict great bodily injury (sec. 245 subd. (a)(1)). Counts 1, 2, 3, 4, 5, 7, 8 and 9 also alleged that appellant inflicted great bodily injury in the commission of the respective offenses (sec. 12022.8) and in Counts 10 and 11 that appellant personally inflicted great bodily injury (sec. 12022.7).

¹ All references are to the Penal Code unless otherwise indicated.

The information also alleged a serious felony prior (sec. 667 subd. (a)) and a prison prior (sec. 667.5 subd. (b)). The victim in all offenses was alleged to be Terri Marie Jim. All offenses were alleged to have occurred on or about September 11, 1993. (C.T.² 72-82)

On March 2, 1994, the jury found appellant guilty of all offenses as charged and found that appellant inflicted great bodily injury as alleged in Counts 1, 4 and 8. The jury found appellant personally inflicted great bodily injury in Counts 10 and 11. The jury found the great bodily injury allegations in Counts 2, 3, 5, 7 and 9 to be not true. (C.T. 196-200; R.T.³ 307-315)

On April 4, 1994, the court selected Count 1 as the base term and imposed the midterm of six years plus a consecutive five years for the great bodily injury enhancement; in Count 2 a consecutive midterm of six years; in Count 3 a consecutive midterm of six years; in Count 4 a consecutive midterm of six years plus a consecutive five-year sentence for the great bodily injury enhancement; in Count 5 a consecutive midterm of six years; in Count 6 a consecutive midterm of six years; in Count 7 a consecutive midterm of six years; in Count 8 a consecutive midterm of six years plus five years for the great bodily injury enhancement; in Count 9 a consecutive midterm of six years; in Count 10 a consecutive midterm of four years and struck the punishment for the great bodily injury enhancement. Pursuant to

² C.T. refers to the Clerk's Transcript.

³ R.T. refers to Reporter's Transcript.

section 654 the court stayed the sentence in Count 11. The court imposed a consecutive five years for the serious felony prior and struck the punishment for the prison prior for a total sentence of 78 years. (C.T. 212-216; R.T. 324-331)

Appellant filed a timely notice of appeal on April 28, 1994. (C.T. 217)

STATEMENT OF FACTS

In September, 1993, Thomas Jim⁴ was living with his wife, Terri Marie Jim, in North Hollywood. On September 10, or early September 11, 1993, Terri Marie left the house to get a pack of cigarettes at the store.⁵

On her way to the store, she was grabbed from behind by a black man, who she identified as appellant, near the railroad tracks. They fell to the ground (R.T. 72-73, 81) and fought for five to ten minutes, hitting each other in the head with rocks. (R.T. 74) Terri Marie got up to run but appellant caught her from behind. (R.T. 75) Appellant showed Terri Marie his arm and told her she had injured him. (R.T. 97) He took her to a couch that was by the side of the tracks, ripped her clothes off, and forced her to orally copulate him for five to ten minutes. Appellant inserted his finger and then his penis in her vagina, then sodomized her; and then again inserted his penis in her vagina.

⁴ At the time of his testimony, Jim was in custody after conviction for crimes of spousal abuse and assault on a police officer. (R.T. 42)

⁵ Thomas testified Terri Marie left around 11:00 p.m. (R.T. 43); Terri Marie testified the time was around 12:30 a.m. (R.T. 67).

VERIFICATION

STATE OF CALIFORNIA
COUNTY OF IMPERIAL

(C.C.P. SEC. 446 & 2015.5; 28 U.S.C. SEC. 1746)

I, Larry Jones DECLARE UNDER THE PENALTY OF PERJURY
THAT: I AM THE _____ IN THE ABOVE ENTITLED ACTION;
I HAVE READ THE FOREGOING DOCUMENTS AND KNOW THE CONTENTS THEREOF AND THE SAME IS
TRUE OF MY OWN KNOWLEDGE, EXCEPT AS TO MATTERS STATED THEREIN UPON INFORMATION, AND
BELIEF, AND AS TO THOSE MATTERS, I BELIEVE THEM TO BE TRUE.

EXECUTED THIS 2 DAY OF April 2, 2008, AT CALIPATRIA
STATE PRISON, CALIPATRIA, CALIFORNIA 92233-5002

(SIGNATURE)

Larry Jones
(DECLARANT/PRISONER)

PROOF OF SERVICE BY MAIL

(C.C.P. SEC. 1013 (a) & 2015.5; 28 U.S.C. SEC. 1746)

I, Larry Jones, AM A RESIDENT OF CALIPATRIA STATE PRISON, IN THE COUNTY
OF IMPERIAL, STATE OF CALIFORNIA; I AM OVER THE AGE OF EIGHTEEN (18) YEARS OF AGE AND AM
NOT A PARTY OF THE ABOVE-ENTITLED ACTION. MY STATE PRISON ADDRESS IS: P.O. BOX 5002,
CALIPATRIA, CALIFORNIA 92233-5002

ON April 2, 2008, I SERVED THE FOREGOING:

Habeus Corpus to District Court and Attorney General

(SET FORTH EXACT TITLE OF DOCUMENT IS SERVED)
ON THE PARTY(S) HEREIN BY PLACING A TRUE COPY(S) THEREOF, ENCLOSED IN A SEALED ENVELOPE
(S), WITH POSTAGE THEREON FULLY PAID, IN THE UNITED STATES MAIL, IN A DEPOSIT BOX SO
PROVIDED AT CALIPATRIA STATE PRISON, CALIPATRIA, CALIFORNIA 92233-5002

Office of the Attorney General

110 West "A" Street

San Diego, CA. Suite 1100

92101-5268

U.S. D.C. Southern Dist of Calif

4290 Edward J Swartz

United States Courthouse

940 Front Street

San Diego, CA. 92101

THERE IS DELIVERY SERVICE BY UNITED STATES MAIL AT THE PLACE SO ADDRESSED, AND THERE IS
REGULAR COMMUNICATION BY MAIL BETWEEN THE PLACE OF MAILING AND THE PLACE SO
ADDRESSED. I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATE: April 2, 2008,

Larry Jones
(DECLARANT/PRISONER)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

(a) PLAINTIFFS

Larry Vernon Jones

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Imperial
(EXCEPT IN U.S. PLAINTIFF CASES)

254 1923

DEFENDANTS	FILING FEE PAID
Yes	No <input checked="" type="checkbox"/>
MOTION FILED	
Yes <input checked="" type="checkbox"/>	NO
COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT (EXCEPT IN U.S. PLAINTIFF CASES ONLY)	
COPIES SENT TO	
Court	Plaintiff

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND

LE Scribner

FILED

APR - 4 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY KNO DEPUTY

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Larry Vernon Jones
PO Box 5004
Calipatria, CA 92233
E-17215

ATTORNEYS (IF KNOWN)

'08 CV 0623 JLS RBB

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

U.S. Government Plaintiff 3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT
(For Diversity Cases Only))

Citizen of This State	PT <input type="checkbox"/> DEF <input type="checkbox"/> DEF	Incorporated or Principal Place of Business in This State <input type="checkbox"/> 4 <input type="checkbox"/> 4
Citizen of Another State	PT <input type="checkbox"/> DEF <input type="checkbox"/> DEF	Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 5 <input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	PT <input type="checkbox"/> DEF <input type="checkbox"/> DEF	Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

28 U.S.C. 2254

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reappointment
<input type="checkbox"/> Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury-Medical Malpractice	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 421 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 640 RR & Truck	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> SOCIAL SECURITY	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 861 HIA (1395B)	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> LABOR	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 863 DIWC/DIW (405(g))	<input type="checkbox"/> 875 Customer Challenge 12 USC
<input type="checkbox"/> Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> FEDERAL TAX SUITS	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> REAL PROPERTY	<input type="checkbox"/> CIVIL RIGHTS	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 893 Environmental Matters	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 740 Railway Labor Act		<input type="checkbox"/> 894 Energy Allocation Act	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 790 Other Labor Litigation		<input type="checkbox"/> 895 Freedom of Information Act	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 791 Empl. Ret. Inc.		<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	
<input type="checkbox"/> 240 Tort to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> Security Act		<input type="checkbox"/> 950 Constitutionality of State	
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights			<input type="checkbox"/> 890 Other Statutory Actions	
<input type="checkbox"/> 290 All Other Real Property					

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

1 Original Proceeding 2 Removal from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE

Docket Number

DATE 4/4/2008

SIGNATURE OF ATTORNEY OF RECORD

R. Mell